

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GIA CALHOUN,
Plaintiff,
v.
FLRISH, INC.,
Defendant.

Case No. 19-cv-08212-JCS

**ORDER PROVIDING NOTICE OF
INTENT TO CONSIDER GRANTING
SUMMARY JUDGMENT FOR A
NONMOVANT**

Re: Dkt. No. 94

Defendant FLRish, Inc. filed a motion for partial summary judgment seeking a ruling that the software platform it used is not an “automated telephone dialing system” for the purpose of the Telephone Consumer Protection Act. Without expressing any view at this time on the merits of the parties’ dispute, there appears to be at least some possibility that this issue could be resolved in favor of either party on summary judgment. The Court therefore provides notice under Rule 56(f)(1) that, in conjunction with FLRish’s motion, the Court will consider whether to grant summary judgment on this issue in favor of Plaintiff Gia Calhoun, a nonmovant.

In the Court’s view, Calhoun’s forthcoming opposition brief and FLRish’s forthcoming reply provide the parties with “a reasonable time to respond” to this notice as required by Rule 56(f). If the parties believe any further briefing is required, however, they shall meet and confer, and file either a stipulation or a joint letter brief setting forth their respective positions no later than August 27, 2021.

IT IS SO ORDERED.

Dated: August 20, 2021


JOSEPH C. SPERO
Chief Magistrate Judge